

REMARKS

Claims 25, 26 and 28-47 are pending in the current application. Claims 25, 31, 34, 37, 39, 41 and 46 are amended. Claim 27 is canceled.

Claims Rejections - 35 U.S.C. § 112

Claims 37, 39 and 41 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner objects to the use of the phrase "the management area" in claims 37, 39 and 41 because it is unclear to which management area the recited "management area" corresponds. Applicants submit the aforementioned phrase has been amended as "the first management area" in each of claims 37, 39, and 41 to address the Examiner's objection.

Therefore, Applicants respectfully submit the rejection of claims 37, 39, and 41 under 35 U.S.C. § 112 be withdrawn.

Claim Rejections - 35 U.S.C. § 103

Claims 25-47 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hwang et al. (US 2004/0076096, hereinafter "Hwang") in view of Gotoh et al. (US 2001/0043800, hereinafter "Gotoh"). Applicants respectfully traverse this rejection.

Claim 25 recites: "the data block having first information including recordation status indicating recorded areas and non-recorded areas of the data area, the data block having second information including a first pointer pointing to an address where the first information is recorded". The Examiner appears to identify the temporary defect management information (TDDS) illustrated in FIG. 4A of Hwang as the second information, and the space bit map (SBM) 141 in FIG. 1 of Gotoh as the first information. However, though Hwang discloses the TDDS as having a number of

pointers, Hwang does not appear to disclose the TDDS having pointers pointing to any data relating to recorded and non-recorded areas. Accordingly, Hwang does not teach the TDDS having pointers pointing to a location where first data is recorded as claim 25 requires. Further, Gotoh does not appear to disclose any pointers pointing to the location of the SBM 141. Accordingly, neither Hwang, nor Gotoh, alone or in combination, teach “second information including *a first pointer pointing to an address where the first information is recorded*” as claim 25 requires.

Additionally, claim 25 has been amended and now recites: “wherein the data block having the first information and the second information is composed of a single recording unit”. This amendment is supported at least by FIG. 5 and paragraph [0028] of Applicants’ originally filed specification. Even if, *for the sake of argument*, the TDDS of Hwang can be considered second information, and the SBM of Gotoh can be considered first information, neither Hwang, nor Gotoh, alone or in combination, teach placing the TDDS and the SBM in a single recording unit. On the contrary, FIG. 1 of Gotoh specifically illustrates the SBM 141 being recorded in an area separate from the defect management area (DMA) 102. Accordingly, neither Hwang nor Gotoh, alone or in combination, teach “wherein the data block having the first information and the second information is composed of a single recording unit” as claim 25 requires.

For at least the reasons stated above, neither Hwang, nor Gotoh, alone or in combination, teach each of the limitations of claim 25 as is required to support a rejection under §103.

Further, claims 31, 34 and 46 have been amended and have limitations similar to those of claim 25. Accordingly, at least by virtue of their similarity to claim 25, neither Hwang, nor Gotoh, alone or in combination, teach each of the limitations in any of claims 31, 34 and 36 as is required to support a rejection under §103.

Additionally, claims 25, 26, 28-30, 32, 33, 35, and 37-47 each depend from one of claims 1, 31, 34 and 46. Accordingly, at least by virtue of their dependence from claims 1, 31, 34 and 46, neither Hwang, nor Gotoh, alone or in combination, teach each of the limitations in any of claims 25, 26, 28-30, 32, 33, 35, and 37-47 as is required to support a rejection under §103.

Therefore, Applicants respectfully request the rejection of claims 25, 26, 28-30, 32, 33, 35, and 37-47 under 35 U.S.C. §103 be withdrawn.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 25-47 in connection with the present application is earnestly solicited.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$120.00 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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